

By: John P. Hartley, Esquire
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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES SHELTON

Case No. 2:18-cv-02071-CFK

Hon. CHAD F. KENNEY

Plaintiff,

v.

FAST ADVANCE FUNDING LLC

Defendant.

DEFENDANT'S ADDITIONAL PROPOSED POINT OF CHARGE

COMES NOW, Defendant, Fast Advance Funding LLC, and proposes the following Point of Charge:

1. Instruction – Plaintiff Has Lack Of Standing To Bring Action

Calls to a phone used for business purposes are not protected under 47 U.S.C. Section 227 *et seq* (the Telephone Consumer Protection Act (“TCPA”). Therefore, if you find that Plaintiff’s phone was used for any business purpose, you must find for Defendant. In finding that Plaintiff’s phone was used for a business purpose, you need not consider whether Plaintiff’s phone was also used for personal purposes. The use of Plaintiff’s phone for any business purpose is sufficient.

Source: Memorandum Opinion in *James Everett Shelton v. Target Advance LLC*, Civil Action No. 18-2070 (E.D. Pennsylvania 2019), entered April 16, 2019, Document No. 26.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J.P. Hartley", written over a horizontal line.

John P. Hartley, Esquire
Attorney for Defendant

Date: April 29, 2019

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Hon. CHAD F. KENNEY

CERTIFICATION OF SERVICE

I, Denise Devlin, Paralegal, hereby certify that on April 29 2019, I caused true and correct copies of the Defendant's Additional Proposed Point of Charge to be served upon the persons and in the manners set forth below:

VIA FIRST CLASS MAIL, POSTAGE PREPAID and ELECTRONIC COURT FILING

Norman M. Valz, Esq.
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Attorney for the Plaintiff

Date: April 29, 2019

By: Denise Devlin
Denise Devlin, Paralegal